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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,333	03/15/2004	Rudolph Balaz	MS1-467USC1	1952
22801	7590	02/14/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			REVAK, CHRISTOPHER A	
			ART UNIT	PAPER NUMBER

2131

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/801,333

Applicant(s)

BALAZ ET AL.

Examiner

Christopher A. Revak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 is/are allowed.
- 6) ☒ Claim(s) 4-6,8-12,14-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 9, 2005 has been entered.

### ***Response to Arguments***

2. Applicant's amendments and arguments with respect to claims 1-3 have been fully considered and are persuasive and the rejection of those claims has been withdrawn.

3. Applicant's arguments filed with respect to claims 4-6,8-12, and 14-17 have been fully considered but they are not persuasive. The applicant has argued that the prior art fails to recite of a get certificate request that is received from a device, but a certificate of the registration authority that is used by the registration authority to digitally sign or encrypt data is returned to the device." The examiner respectfully disagrees, An et al discloses that the generated response that which includes the certificate of the registration authority that is used by the RA to digitally sign and encrypt data, please refer to column 2, lines 35-46 and column 11, lines 3-11. An et al additionally discloses

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of a remote agent sending a request, (i.e. get) for a certificate to an RA, the RA forwards the request to a CA which then signs the certificate through the CA, and returns the certificate (i.e. generated response in the form of a certificate) to the RA which in turn sends the certificate to the remote agent for delivery to the user, please see column 12, lines 22-30.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 4,6,8,10,12,14,16, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by An et al, U.S. Patent 6,715,073.

As per claim 4, An et al discloses of a method implemented at a registration authority (RA) wherein a vault agent (device) sends a request for a certificate from a certificate authority (CA). The RA receives the request and then forwards the request to the CA and the CA then generates a certificate (response) and sends it to the RA which then sends it back to the remote agent (device)(col. 12, lines 22-30 and col. 13, lines 50-52). The generated response that which includes the certificate of the registration

authority (RA) that is used by the RA to digitally sign and encrypt data (col. 2, lines 35-46 and col. 11, lines 3-11).

As per claims 6 and 12, An et al discloses of the registration authority (RA) being automated (col. 12, lines 24-28). It is interpreted by the examiner that the automation is a dynamically linked library since it is just software code.

As per claims 8 and 14, it is taught by An et al that the response includes both signing of a certificate of the RA and an encryption certificate of the RA (col. 11, lines 34-37 and col. 12, lines 22-30).

As per claim 10, An et al discloses of an article of manufacture (computer readable media) containing machine readable instructions (computer program), when executed by a processor at a registration authority (RA), allow a vault agent (device) to send a request for a certificate from a certificate authority (CA). The RA receives the request and then forwards the request to the CA and the CA then generates a certificate (response) and sends it to the RA which then sends it back to the remote agent (device)(col. 12, lines 22-30 & 45-48, and col. 14, lines 39-44). The generated response that which includes the certificate of the registration authority (RA) that is used by the RA to digitally sign and encrypt data (col. 2, lines 35-46 and col. 11, lines 3-11).

As per claims 16 and 17, An et al discloses of generating a response including the certificate of the registration authority instead of the certificate authority (col. 12, lines 22-30). That is interpreted by the examiner that the registration authority is responsible for passing the certificate to the remote agent, not the certificate authority.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over An et al, U.S. Patent 6,715,073.

The teachings of An et al are relied upon for the use of a registration authority requesting a certificate from a certificate authority on behalf of a remote agent (device)(col. 12, lines 22-30). The teachings of An et al of the use of the communicating across the Internet (col. 5, lines 34-40), but fail to disclose of a router. The examiner hereby asserts that the use of a router is notoriously well known. It would have been obvious to a person of ordinary skill in the art to have been motivated to have means to allow communications to be expedited across an Internet. One of ordinary skill would have been motivated to apply a router since routers are used for linking many computers and receives messages from computers and forwards them to the correct destination over the most efficient path. It is obvious that the teachings of An et al use routers so that communications can be efficiently forwards from a source to a destination.

8. Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over An et al, U.S. Patent 6,715,073 in view of Housley et al.

The teachings of An et al are relied upon for the use of a registration authority requesting a certificate from a certificate authority on behalf of a remote agent (device)(col. 12, lines 22-30). The teachings of An et al disclose of the use of X.509 certificates (col. 6, lines 15-21), but are silent in disclosing of including information pertaining to certificate chains of the certificate authority. It is disclosed by Housley et al in the X.509 standard that recites of accessing a chain of certificates (pg 9, section 3.2). It would have been obvious to a person of ordinary skill in the art to have been motivated to apply chains of certificates based on the X.509 standard. Housley et al recites motivation for a chain of certificates by disclosing certification chains are required because a public key user is only initialized with a limited number of CA assured public keys (pg 9, section 3.2). It is obvious that the teachings of Housley et al could be applied to the teachings of An et al as a means of limiting the number of CA public keys as is suggested by Housley et al.

***Allowable Subject Matter***

9. Claims 1-3 are allowed.
10. The following is a statement of reasons for the indication of allowable subject matter:

It was not found to be taught in the prior art of transmitting a request for an enrollment certificate for a virtual private network to a registration authority operating independently of a certificate authority, the enrollment certificate having an extension added to it by the registration authority on behalf of the computing device.

**Conclusion**

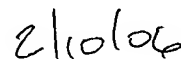
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher Revak  
Primary Examiner  
AU 2131



CR



February 10, 2006